S.B. CIVIL WRIT PETITION NO.3633/2005

Date of order : 26.9.2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri R.P. Garg for the petitioner.
Shri Subhash Jain for the respondent.

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Heard learned counsel for the parties.

This writ petition has been filed by the petitioner challenging the order annexure-5 dated 31.8.2004 whereby the respondent-Municipal Board, Jobner has demanded from the petitioner the conversion charges in a sum of Rs.3,68,154/- treating the land in dispute as commercial as well as residential. According to Shri R.P. Garg, learned counsel for the petitioner, the land being within the periphery of the municipal

area, the conversion charges could not be demanded on such exaggerated rates. It was argued that in respect of similar adjacent plot, amount of conversion charges realised by treating the land within the municipal limits. The learned counsel also produced a map to support his contentions.

On the other hand, Shri Subhash Jain, learned couinsel for the respondent-Municipal Board, Jobner contested the writ petition and asserted that the land falls within the municipal limits of Jobner. It was argued that the land of Gram Panchayat Baberwal, has been included within the municipal limits of Jobner, by notification of the local self department, and therefore, the rate which is applicable to the lands in that is Rs.30/- per square yard for residential and Rs.120/-

per square yard for commercial and not Rs.10/- per square yard and Rs.20 per square yard respectively as has been asserted by the petitioner.

In view of the dispute between the parties, the question for consideration is whether the land on which conversion is issued is within the periphery of the municipal area which is 1 km from outer limit of the boundary of the municipality or within the municipal area itself. This Court while exercising its writ jurisdiction cannot go into and decide such contentious issue. Learned counsel for the petitioner, at this stage, submitted that the petitioner may be given liberty to represent his case before the municipal board and convince them as to the exact location of the disputed land.

In view of the aforesaid factual position, I do not deemed it proper to entertain the writ petition. However, the petitioner shall be at liberty to approach the competent authority in view of the statement made by the learned counsel for the petitioner.

The petition stands disposed of in the above terms.

(MOHAMMAD RAFIQ), J.

Skant/-